

CITY COUNCIL
CITY OF WICHITA
KANSAS

City Council Meeting
9:00 A.M., April 19, 2005

City Council Chambers
455 North Main

ORDER OF BUSINESS

- Call to Order
 - Invocation
 - Pledge of Allegiance
 - Approve the minutes of the April 12, 2005 meeting
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AWARDS AND PROCLAMATIONS

- Proclamations
 - Recognition of Independent School Math/Counts Group.
 - Recognition of International Students.
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PUBLIC AGENDA

1. Wichita's Promise Youth-ACTION 2003 Results – Dana Saska and Steven James.
 2. Chris Coulson-Handicapped Parking.
 3. Sarah Kephart, WSU art student-“What's in your gutter?”
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CONSENT AGENDA

4. Report of the Board of Bids and Contracts Dated April 18, 2005.

RECOMMENDED ACTION: Receive and file report; approve Contracts;
authorize necessary signatures.

5. Application for Licenses:

Renewal Adult Entertainment

Lewis E. Self Jr.	Adult Entertainment Industries, Inc.	3721 South Broadway
Lewis E. Self Jr.	Adult Entertainment Industries, Inc.	2809 North Broadway
Lewis E. Self Jr.	Adult Entertainment Industries, Inc.	7805 Kellogg
Gail R. Crump	GS Entertainment dba Adult Super Store	5858 South Broadway

Renewal Escort Services

Tekoa Callaway	A Private Escape	333 East English
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RECOMMENDED ACTION: Approve licenses subject to Staff review and approval.

6. Applications for Licenses to Retail Cereal Malt Beverages:

<u>Renewal</u>	<u>2005</u>	<u>(Consumption on Premises)</u>
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Ricky D. Morey	Morey's Deli Keno*	3316 South Broadway
Jose L. Mejia	El Jalico Restaurant*	627 east 47 th Street

<u>New Operator</u>	<u>2005</u>	<u>(Consumption off Premises)</u>
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Michelle Thuydanh	Lien Giang Asian Food Market	6310 East Harry
Mdarifo Rahman	Gulmohur Corporation	1161 North Broadway

<u>Special Event</u>	<u>May 14, 2005</u>	<u>Wichita River Festival</u>
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John E. Thien	Jet Bar-B-Q	1100 East Third- Rounds & Porter
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*General/Restaurant - 50% or more of gross receipts derived from sale of food.

RECOMMENDED ACTION: Approve licenses subject to Staff review and approval.

7. Preliminary Estimates:

- a) Bike Path along the Little Arkansas River with rest stations from 13th Street to 21st Street. (472-83812/87TE-0195-01/706876/203342) Traffic to be maintained during construction using flagpersons and barricades. (District VI) - \$698,170.90
- b) 2005 Contract Maintenance Arterial Concrete Repairs - north of Pawnee, west of Hillside. (472-84152/132718/620426/664518) Traffic to be maintained during construction using flagpersons and barricades. (Districts I, III, VI) - \$149,440.00

(Item 7 continued)

- c. 2005 Contract Maintenance Asphalt Street Repairs and Quickset Slurry Seal, Phase 2 - (north of MacArthur, west of Webb Road. (472-84153/132718/131532/) Traffic to be maintained during construction using flagpersons and barricades. (Districts II, III, IV) - \$609,614.00

RECOMMENDED ACTION: Approve and file.

8. Deeds and Easements:

- a) Utility Easement dated March 8th, 2005 from USD 259 Board of Education, located over a portion Lots 3 and 4, College Hill Addition to Wichita, Sedgwick County, Kansas (OCA #607861) No cost to City
- b) Drainage Easement dated March 15, 2005 by Integrated Healthcare Systems, Inc. located over portions of Lot 1, Block 1, Wichita Clinic Addition, an addition to Wichita, Sedgwick County, Kansas (OCA #607861) No Cost to City
- c) Sanitary Sewer Easement dated March 29, 2005 from Michael C. Grothe and Neal N. Strong located over a portion of Lot 1, Davis-Moore Addition in Sedgwick County, Kansas (OCA# 624078) No Cost to City
- d) Sanitary Sewer Easement dated April 5, 2005 from Dutton, Inc. located over a portion of Southwest Quarter of Section 15, Township 27 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas (OCA# 744103) No Cost to City

RECOMMENDED ACTION: Accept documents.

9. Petition for Public Improvements: Street Paving and a Sanitary Sewer in Sand Plum Addition, south of 45th Street North, west of Webb. (District II)

RECOMMENDED ACTION: Approve Petitions; adopt Resolutions.

10. Minutes of Advisory Boards/Commissions:

Board of Park Commissioners, January 10, 2005
District IV Advisory Board, February 2, 2005
District V Advisory Board, February 7, 2005
Board of Code Standards and Appeals, February 7, 2005
Board of Electrical Appeals, February 8, 2005
Police and Fire Retirement System, February 23, 2005
Wichita Employees Retirement System, February 23, 2005
District II Advisory Board, March 7, 2005
Wichita Public Library, March 15, 2005

RECOMMENDED ACTION: Receive and file.

11. Consideration of Street Closures: Meridian at First Street. (District VI)

RECOMMENDED ACTION: Approve the street closures.

12. Agreements/Contracts:

- a) Waterline along 135th Street West, 21st Street to 29th Street. (District V) – Supplemental.
- b) Kellogg & Rock Road Interchange. (District II) – Supplement
- c) Construction Engineering and Staking in Sawmill Creek Addition, east of Rock Road, north of 45th Street North. (District II)
- d) Construction Engineering and Staking in Avalon Park Second Addition, north of 37th Street North, east of Tyler. (District V)

RECOMMENDED ACTION: Approve Agreements/Contracts; authorize necessary signatures.

13. Design Services Agreements:

- a) Woodland Lakes Estates Third Addition, south of Lincoln, west of 127th Street East. (District II)
- b) Auburn Hills 15th Addition, west of 135th Street West, north of Kellogg. (District V)
- c) The Waterfront Addition, north of 13th Street, east of Webb. (District II)

RECOMMENDED ACTION: Approve Agreements/Contracts; authorize necessary signatures.

14. Change Order: First and Second Street Drainage Outfall from West Street to the Arkansas River.
(Districts IV and VI)

RECOMMENDED ACTION: Approve the Change Orders and authorize the necessary signatures.

15. Property Acquisitions:

- a) Southeast corner of 11th Street and Indiana for the McAdams Neighborhood Revitalization Project. (District I)
- b) Partial acquisition of 1133 North Main as a portion of the abandoned Union Pacific Rail Corridor for the Midtown Greenway. (District VI)

RECOMMENDED ACTION: Approve budgets and Contracts; authorize necessary signatures.

16. Grant Application for Kansas Emergency Shelter Grant Funds.

RECOMMENDED ACTION: Approve the application for grant funds, and authorize necessary signatures for the application and necessary signatures for contracts if funding is awarded.

17. Kansas Community Service Tax Credit Program Applications.

RECOMMENDED ACTION: Support the applications and authorize the Mayor to sign the Local Government Endorsement Forms.

18. Southeast Water Transmission Facility. (Districts I, II, III and IV)

RECOMMENDED ACTION: 1) Approve the expenditure; 2) adopt the resolution and 3) authorize the necessary signatures.

19. Purchase Option, Excel Corporation. (Districts VI)

RECOMMENDED ACTION: Adopt the Resolution approving the Special Warranty Deed and Termination Lease Agreement and authorize the Mayor to sign, with delivery contingent upon satisfaction of all conditions for reconveyance under the Lease Agreement.

20. Resolution.

A Resolution Establishing the Order of Succession as Mayor of the City of Wichita, Kansas, in the absence from the City of the Mayor and the Vice-Mayor.

RECOMMENDED ACTION: Adopt the Resolution.

21. Second Reading Ordinance: (First read April 12, 2005)

Acquisition by eminent domain of a tract required for the improvement of Central Avenue from Oliver to Woodlawn. (Districts I AND II)

An Ordinance providing for the acquisition by eminent domain of certain private property, easements and right-of-way therein, for the purpose of acquiring real property for the construction and improvement of Central Avenue between Oliver and Woodlawn in the City of Wichita, Sedgwick County, Kansas; designating the lands required for such purposes and directing the city attorney to file a petition in the District Court of Sedgwick County, Kansas, for acquisition of the lands and easements therein taken and providing for payment of the cost thereof..

RECOMMENDED ACTION: Adopt Ordinance.

UNFINISHED BUSINESS

22. Private Security Update.
(Continued from November 2004)

RECOMMENDED ACTION: Receive and file report.

23. Repair or Removal of Unsafe Structures, 2048 North Minnesota. (District I)
(Continued from February 1, 2005)

RECOMMENDED ACTION: It is recommended that the City Council grant the property owner 30 days to complete required exterior repairs. Any extension of time should be conditioned on the following; all delinquent taxes shall be paid in full by not later than May 6, 2005; (2) the structure shall be maintained in a secure condition; and the premise shall be maintained free of debris and kept mowed.

24. Transportation Services Agreement-AirTran Airways, Inc.
(Deferred April 12, 2005)

RECOMMENDED ACTION: Approve the contract, authorize the necessary budget transfers and authorize the necessary signatures.

NEW BUSINESS

25. Visioneering Wichita.

On May 4, 2004, the Wichita City Council was asked to support a strategic visioneering process to assist leaders and newly emerging leaders with defining a direction for the greater Wichita community. The City of Wichita in collaboration with Sedgwick County, the Kansas Health Foundation, the Wichita Community Foundation and the Wichita Downtown Development Corporation were asked to fund the visioneering effort.

RECOMMENDED ACTION: Approve participation of Phase II Implementation of Visioneering Wichita and authorize funding.

26. Extension of IRB Tax Exemption, The Coleman Company.

On December 9, 1999, City Council approved issuance of Industrial Revenue Bonds in the amount of \$5.3 million to The Coleman Company. On December 31, 2004, the initial five-year period for tax exemption expired. The Coleman Company request City Council extend the tax exemption to include the second five years on bond-financed real and property.

RECOMMENDED ACTION: Determine whether to approve or deny the tax exemption on Coleman's IRB-financed real and personal property for a second five-year period.

27. Sewage Treatment Plant Site Selection-North Central. (District VI)

The updated 2000 Sewer Master Plan calls for the construction of a new sewage treatment facility within the next decade to serve north central Wichita. To construct the facility, the Water & Sewer Department must first acquire an appropriate site.

RECOMMENDED ACTION: 1) Select a site; 2) direct Staff to acquire the site for future construction of a sewage treatment plant; and 3) authorize the necessary signatures.

28. Sewage Treatment Plant Site Selection-Southwest. (District IV)

The updated 2000 Sewer Master Plan calls for the construction of a new sewage treatment facility in the next year or two to serve southwest Wichita. In order to construct the facility, the Water & Sewer Department must first acquire an appropriate site.

RECOMMENDED ACTION: 1) Select a site(s); 2) direct Staff to perform needed engineering and applications to acquire the site for construction of a sewage treatment plat; and 3) authorize the necessary signatures.

29. Resolution of Support for Low Income Housing Tax Credit Application: Old English Court Apartments. (District VI)

The City has received a request from Transitional Residence Company, LLC (TRC), for a City Council resolution of support for its application for Low-Income Housing Tax Credits in connection with the renovation/redevelopment of the Old English Court Apartments, which are located at 1156 N. Emporia.

RECOMMENDED ACTION: Close the public hearing; adopt the resolution of support for the TRC application for Low-Income Housing Tax Credits with waiver of the 20% market-rate requirement and authorize the necessary signatures.

30. Resolution of Support for Low Income Housing Tax Credit Application; Interfaith Villa Courts Apartments. (District VI)

The City has received a request from Interfaith Ministries, Inc. (Interfaith), for a City Council resolution of support for its application for Low-Income Housing Tax Credits in connection with the renovation/redevelopment of the Interfaith Villa Courts Apartments, which would be located within the 900 block of the east side of north Market Street.

RECOMMENDED ACTION: Close the public hearing; adopt the resolution of support for the Interfaith application for Low-Income Housing Tax Credits with waiver of the 20% market-rate requirement and authorize the necessary signatures.

31. Resolution of Support for Low Income Housing Tax Credit Application; Keystone Apartments. (District III)

The City has received a request from Midwest Ventures, LLC (Midwest), for a City Council resolution of support for its application for Low-Income Housing Tax Credits in connection with the renovation of 92 units of the Keystone Apartments, which are located in the 800 blocks of south Sylvan Lane and south Beverly Street.

RECOMMENDED ACTION: Close the public hearing; adopt the resolution of support for the Midwest application for Low-Income Housing Tax Credits; and authorize the necessary signatures.

32. City of Wichita Taxable Industrial Revenue Bonds, Series IV, 2000, Voicestream Wireless Project Amendment and Assignment of Lease and Substitution of Guarantor. (District I)

In 2000 the City issued its Taxable Industrial Revenue Bonds, Series IV-A and IV-B, 2000, to finance facilities to be leased to VS Property, LLC, for the benefit of Voicestream Wireless Corporation (as sublessee). Net fund now desires to amend the Lease to allow a leasehold mortgage on the Project and concurrently seeks to assign the Lease to 25252 N. WOODLAWN VSTRM WICHITA KS, LLC, which will assume the obligation to guarantee payment of the Bonds.

RECOMMENDED ACTION: Place on first reading the ordinance authorizing the First Amendment to Lease and approving the Assumption of Guarantee by the New Tenant and authorizing the necessary signatures.

33. Amendments to Title 18.05 of the City Code-International Building Code.

The City's current Building Code is a model building code called the International Building Code (IBC), 2000 Edition and is codified in Title 18 of the City Code. Over the past 40 years, Wichita has reviewed locally amended and adopted updated model building codes on a three-year or six-year cycle.

RECOMMENDED ACTION: Approve first reading of the proposed amendments to Title 18.05 on first reading.

34. Implement Downtown Trolley Lunch Routes. (Districts I, IV and VI)

In 2004, Wichita Transit (WT), in partnership with the Wichita Downtown Development Corporation (WDDC), initiated a weekday lunch shuttle downtown and a Saturday museum shuttle. The WDDC is interested, once again, in participating in this endeavor pending WDDC board approval later this month.

RECOMMENDED ACTION: Approve the resolution and authorize the necessary signatures for the CMAQ grant and approve the trolley shuttle service as proposed, contingent on WDDC participation.

PLANNING AGENDA

NOTICE: Public hearing on planning items is conducted by the MAPC under provisions of State law. Adopted policy is that additional hearing on zoning applications will not be conducted by the City Council unless a statement alleging (1) unfair hearing before the MAPC, or (2) alleging new facts or evidence has been filed with the City Clerk by 5p.m. on the Wednesday preceding this meeting. The Council will determine from the written statement whether to return the matter to the MAPC for rehearing.

* Consent Items

35. CON2005-00003-Conditional Use for ancillary parking on property zoned Single-family Residential. Generally located west of Hillside, on the southeast corner of 25th Street North and Lorraine Avenue. (District I)

RECOMMENDED ACTION: 1) Adopt the findings of the MAPC and approve the conditional use permit subject to the recommended conditions; adopt the Resolution and authorize the chairman to sign and instruct the Planning Department to withhold publication until the appropriate conditions have been compiled with; or
2) Deny the requested conditional use; or
3) Return the application to MAPC for reconsideration.

36. *SUB2004-105-Plat of Riverlawn Christian Addition, located south of 45th Street North and west of Meridian. (District VI)

RECOMMENDED ACTION: Approve the document and plat; authorize the necessary signatures and adopt the resolutions.

37. *SUB2004-156-Plat of Faissal Addition, located on the north side of 13th Street North and west of Meridian. (District VI)

RECOMMENDED ACTION: Approve the plat; authorize the necessary signatures and place the ordinance on first reading.

38. *SUB2005-04-Plat of Save-A-Lot Addition, located on the north side of 13th Street North and west of Hillside.
(District I)

RECOMMENDED ACTION: Approve the document and plat and authorize the necessary signatures; adopt the resolutions and place the ordinance on first reading.

39. *SUB2005-13-Plat of Shady Ridge Second Addition, located south of Central and east of Ridge Road.
(District V)

RECOMMENDED ACTION: Approve the documents and plat and authorize the necessary signatures.

40. *DED2005-04-Dedication of Access Control for property located north of 53rd Street North and on the east side of Meridian. (District VI)

RECOMMENDED ACTION: Accept the Dedication.

41. *DED2005-05-Dedication of a Utility Easement and DED 2005-06-Dedication of Street Right-of-way for property located south of 13th Street North and west of Meridian. (District VI)

RECOMMENDED ACTION: Accept the Dedication.

AIRPORT AGENDA

NOTICE: The City Council is meeting as the governing body of the Airport for consideration and action on items on this Agenda, pursuant to State law and City ordinance. The meeting of the Authority is deemed called to order at the start of this Agenda and adjourned at the conclusion.
*Consent items

42. *Airparts Company – S.A. No. 9

RECOMMENDED ACTION: Approve the Supplemental Agreement and authorize the necessary signatures.

43. *Rockwell Collins, Inc. – S.A. No. 4.

RECOMMENDED ACTION: Approve the Supplemental Agreement and authorize the necessary signatures.

44. *Passenger Boarding Bridges, Wichita Mid-Continent Airport.

RECOMMENDED ACTION: Approve the contract and authorize the necessary signatures.

45. *Mechanical Systems Improvements, Wichita Mid-Continent Airport.

RECOMMENDED ACTION: Approve the project; adopt the Resolution; approve the capital budget and authorize the necessary signatures.

46. *Airport Marketing.

RECOMMENDED ACTION: Approve the expenditure of budgeted funds.

CITY COUNCIL

47. Board Appointments.

RECOMMENDED ACTION: Make the appointments.

48. Approval of Travel Eexpenses for Council Members Brewer and Martz to attend National League of Cities Community & Economic Development and Human Development Steering Committee Meetings in Denver, Co, June 16-18, 2005.

RECOMMENDED ACTION: Approve the expenditures.

Adjournment

*****WORKSHOP TO FOLLOW*****